DOCUMENT RESUME

ED 432 335 JC 990 465

TITLE	Rules of the State Board for Community Colleges and Occupational Education under the Colorado Vocational Education Act 8 CCR 1504-2.
INSTITUTION	Colorado State Board for Community Colleges and Occupational Education, Denver.
PUB DATE	1999-00-00
NOTE	18p.
AVAILABLE FROM	State Board for Community Colleges and Occupational Education, Colorado Community College and Occupational Education System, 139 N. Speer Blvd., Suite 600, Denver, CO 80204-2554.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Career Development; *Community Colleges; Credentials; *Educational Finance; *Educational Policy; Job Skills; *Job Training; Labor Force Development; Qualifications; State Boards of Education; *State Legislation; State Standards; Two Year Colleges; *Vocational Education
IDENTIFIERS	*Colorado

ABSTRACT

The Colorado Vocational Act of 1970 was adopted by the Colorado General Assembly to provide assistance to local school districts operating vocational education programs approved by the Colorado State Board for Community Colleges and Occupational Education. The rules detail the requirements and processes for reimbursement of school districts under the 1970 act. The rules are divided into eight main sections: (1) a list of relevant definitions that are contained in the act, including "approved program," "designated area vocational school," and "per pupil operating revenues"; (2) program approval criteria, application and renewal procedures, and evaluation requirements; (3) designated area vocational school approval criteria, application and renewal procedures, and evaluation requirements; (4) credential requirements for teachers; (5) eligible costs, including apportionment guidelines, criteria for equipment and furniture, books and supplies, contracted programs, services provided by instructional personnel, and administration; (6) payment and audit procedures; and (7) appeals processes. (JJL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED 432 335

RULES OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION UNDER THE COLORADO VOCATIONAL EDUCATION ACT 8 CCR 1504-2

STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION
Colorado Community College and Occupational Education System
1391 N. Speer Boulevard, Suite 600
Denver, CO 80204-2554

TC 990465

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☒ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

BEST COPY AVAILABLE

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY

T. Tollefson

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

COLORADO
COMMUNITY COLLEGE &
OCCUPATIONAL EDUCATION
SYSTEM

RULES OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION UNDER THE COLORADO VOCATIONAL EDUCATION ACT 8 CCR 1504-2

TABLE OF CONTENTS

1.0 STATEMENT OF BASIS AND PURPOSE

2.0 DEFINITIONS

3.0 PROGRAM APPROVAL

4.0 DESIGNATED AREA VOCATIONAL SCHOOL APPROVAL

5.0 VOCATIONAL CREDENTIALS

6.0 ELIGIBLE COSTS

7.0 PAYMENT AND AUDIT

8.0 APPEALS

RULES OF THE STATE BOARD FOR COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION UNDER THE COLORADO VOCATIONAL EDUCATION ACT

1.0 STATEMENT OF BASIS AND PURPOSE

The Colorado Vocational Act of 1970, CRS 23-8-101 et. seq., was adopted by the Colorado General Assembly to provide assistance to local school districts operating vocational education programs approved by the State Board for Community Colleges and Occupational Education. These rules are adopted pursuant to the rulemaking authority granted in CRS 23-8-103(4), 23-60-102(1), (2) and (3), 23-60-209 and CRS 23-60-303 for the purpose of clarifying the requirements and processes for reimbursement of school districts under the Colorado Vocational Act of 1970.

2.0 DEFINITIONS.

As used in these rules, the following words shall have the meanings set forth below.

2.1 "Act" shall mean the Colorado Vocational Act of 1970, CRS 23-8-101 et. seq., as it may be amended from time to time.

2.2 "Actual cost" shall mean the invoice cost, less discounts and allowances for trade-ins of goods and services received.

2.3 "Approved program" shall mean a series of courses within a vocational education program which are approved by the Board as eligible for reimbursement under the Act pursuant to Section 3.0 of these rules, taught by appropriately credentialed instructors, which meets or exceeds the standards for quality vocational education adopted by the Board. Approved programs do not include Colorado customized training programs created under CRS 23-60-306, or Colorado existing industry training programs created under CRS 23-60-307.

2.4 "Articulate" shall mean the process by which a student progresses from one level of education to another.

2.5 "Board" shall mean the State Board for Community Colleges and Occupational Education. In the administration of the Act and these rules, the Board shall act through the President of the Community Colleges and Occupational Education System or his designee, except that the Board shall retain the responsibility to hear any appeals filed pursuant to Section 8.4 of these rules.

2.6 "Career and Technical Education" shall mean vocational education.

2.7 "CDE" shall mean the Colorado Department of Education.

2.8 "Designated Area Vocational School (DAVS)" shall mean a School whose school board has declared its role and mission to deliver intensive instruction in career and technical education. The School shall offer a minimum of five vocationally approved unique single site programs and enroll at least 75% of the facility's total secondary student population in vocationally approved programs. The School shall offer specialized student support services staff (vocationally-credentialed counselors and/or job development/placement specialists) and employ a vocationally-credentialed administrator operating in that role. There shall be agreements for providing career and technical education which shall include, but are not limited to, other schools in-district and schools from neighboring districts.

2.9 "District" shall mean any public school district as defined in CRS 22-30-103(13).

2.10 "Eligible cost" shall mean costs which are eligible for reimbursement under the Act.

2.11 "Equipment" shall mean items of tangible personal property costing $1,000 or more, with a useful life of more than one year, but not including ordinary furniture.

2.12 "Fiscal year" shall mean the period from July 1 through June 30.

2.13 "FTE" shall mean the equivalent of a student who is enrolled on the CDE census date in an approved class within an approved program which provides 1,080 student/teacher contact hours per fiscal year.

2.14 "Notices" shall be sent to the district superintendent unless he/she has completed a Board form to specify another to receive district notices. Notices to the district shall be deemed served if personally serviced by facsimile, electronic mail or certified mail to the superintendent or designee at the address noted on the most recent Board financial form.

2.15 "PPOR" shall mean the estimated per pupil operating revenues established pursuant to CRS 22-54-103(9) for that fiscal year as determined by Colorado Department of Education prior to September 1.

2.16 "Time" shall mean that in computing any period of time prescribed or allowed by these

rules, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. If notice is served by mail, three days shall be added to the prescribed period.

2.17 "VSO" shall mean a vocational student organization recognized in accordance with Section 3.1(F).

2.18 "Year purchased" shall mean the fiscal year in which an item (i) is received by the district and (ii) is either paid for or the purchase is encumbered in the district's financial accounting system.

3.0 PROGRAM APPROVAL

3.1 Criteria for Review. A proposed career and technical education program is eligible for approval only if the program meets all of the following criteria:

A. **Is designed to provide students with entry level occupational skills;**

B. **Is of sufficient duration to provide entry level occupational skills and related knowledge required by business and industry;**

C. **Utilizes a local program advisory committee to assist the district in planning, conducting and evaluating each career and technical education program;**

D. **Is conducted in appropriate facilities that are sufficiently equipped to permit adequate training and education;**

E. **Meets an employment potential which is found to exist by a survey, recognized by the Board, of business and industry needs;**

F. **Provides leadership training opportunities by establishing and maintaining all appropriate vocational student leadership organizations as listed herein, or such other leadership organization as may be approved by the Board in special circumstances: DECA, Future Business Leaders of America, FFA, Family Career and Community Leaders of America (Consumer and Occupational), Health Occupation Students of America and Vocational and Industrial Clubs of America;**

G. **Falls within one of the following program areas: Agriculture, Business, Consumer and Family Studies, Health, Marketing, Multi-Occupational Education, Alternative Cooperative Education, Technical, Trades and Industrial, or Wage Earning Home Economics.**

3.2 In addition, the Board will determine whether a program:

A. **Meets and is operated in accordance with Board-approved standards for quality career and technical education for that program area as determined in the program approval process;**

B. **Is designed to enable a student to articulate from one level/system to another without unnecessary duplication of educational experiences;**

C. **Provides instruction in the safe use of facilities, equipment and materials prior to the time the students will use such facilities, equipment, and/or potentially hazardous materials;**

D. **Abides by applicable state and federal safety standards.**

E. **Makes provisions to assure that no student is unlawfully denied an equal opportunity to benefit from career and technical education on the basis of race, color, sex, national origin or condition of disability;**

F. **Develops strategies which are implemented by the district to eliminate sex discrimination and sex role stereotyping in career and technical education;**

G. **Plans and coordinates career and technical education programs for each student with a disability as part of any otherwise required "Individualized Educational Plan";**

H. **Assures that programs are in compliance with applicable state or federal agencies statutes, rules and regulations, or standards; and**

I. **The cooperative education component assures that there is a written training agreement which includes a plan for the expected achievements of the student during on-the-job training experience; a plan for compensation of the student; and that the program is delivered in cooperation with local business and/or any governmental organization or agency through specialized in-the-school instruction provided by qualified teachers and on-the-job training.**

3.3 Application and Renewal. Districts shall submit requests for approval of a proposed new career and technical education program and for renewal of approval of existing programs on forms and containing information required by the Board. Program approvals may be granted for a period of time not exceeding five (5) years, and must be renewed before the expiration of the prior approval period unless an extension is granted by the Board for special circumstances. Program approvals may be conditioned on meeting requirements for improving the quality of the program within a certain period of time.

3.4 Program Revision. Any changes made to an approved program must be approved by the Board. If a revision substantially changes the focus or content of the program, the district shall be required to follow the requirements for renewal of a new program.

3.5 Disapproval or Revocation of Approval. The Board may deny approval of a proposed program, or revoke approval of an existing program, if it finds that the Criteria for Review are not being met.

3.6 Nonduplication. In approving programs, the Board will attempt to avoid unnecessary duplication in either facilities or staffing in any school district or area and, where feasible, sharing of facilities may be required by the Board.

3.7 Program Evaluation, Reports. Each participating district will participate in periodic evaluations of approved programs as required by the Board, which may include self-evaluations, and will provide such reports as may reasonably be required by the Board.

4.0 DESIGNATED AREA VOCATIONAL SCHOOL APPROVAL

4.1 Criteria for Approval. A proposed DAVS is eligible for approval only if the Board finds that the school meets all of the following criteria:

A. **Its school board designated role and mission is to deliver intensive instruction in career and technical education;**

B. **It offers a minimum of five vocationally approved unique single site programs;**

C. **It enrolls at least 75% of its secondary student population in vocationally approved programs;**

D. **It offers specialized student support services staff (vocationally-credentialed counselors and/or job development/placement specialists);**

E. **It employs on its administrative staff at least one vocationally-credentialed administrator operating in that role; and**

F. **Its offerings are available to other districts and to other schools within its district and that such agreement exists in writing.**

4.2 Application and Renewal. Districts shall submit requests for approval of a proposed DAVS and for renewal of approval of existing facilities on forms and containing information required by the Board. DAVS approvals may be granted for a period of time not exceeding five (5) years, and must be renewed before the expiration of the prior approval period unless an extension is granted by the Board for special circumstances.

4.3 Disapproval or Revocation of Approval. The Board may deny approval of a proposed DAVS, or may revoke approval of an existing DAVS, if it finds that any of the criteria for eligibility are not being met.

4.4 Nonduplication. In approving facilities, the Board will attempt to avoid unnecessary duplication in facilities between and among school districts or areas and, where feasible, sharing of facilities may be required by the Board.

4.5 Program Evaluation, Reports. Each DAVS will participate in periodic evaluations of its status as required by the Board, which may include self-evaluations, and will provide such reports as may reasonably be required by the Board.

5.0 VOCATIONAL CREDENTIALS

5.1 Credential Required. All vocational personnel employed in an approved vocational program, except substitute teachers, teacher aides and paraprofessionals, must have a current Colorado vocational credential endorsed for the applicable subject area. Vocational credentials are issued by the Board-designated Vocational Credentialing Officer.

5.2 Application. Each applicant for a Colorado vocational credential must submit a completed application, supporting materials and any required fees to the credentialing officer.

5.3 Criteria for Credential. Each applicant for an initial Colorado vocational credential shall demonstrate competency in basic skills and occupational skills appropriate to the specific occupational area to be taught, shall have obtained any regulatory license or certificate required for a specific program, and shall meet the requirements for specific education and experience set forth in the standards adopted by the Board for each type of occupational credential. Assessment criteria and performance levels shall relate to the specific competency needed for each occupational area.

5.4 Degrees. All accepted degrees must be from an institution accredited by a regional accrediting association and recognized by the Board.

5.5 Occupational Experience. All occupational experience must be paid experience verified by the employer, obtained within the last ten years, with not less than 1,000 hours within the last five (5) years, and relate to the area to be taught. Health, Consumer and Family Studies, and Fire Science/Service volunteer experience may be accepted in lieu of paid occupational experience. For Health and Fire Science/Service areas, three years (6,000 hours) of volunteer experience may be substituted for one year of paid experience; in Health occupations, one year of clinical experience may be substituted for one year of paid occupational experience. One hour of work in an approved supervised occupational experience teacher education program will be equal to two hours of paid occupational experience. The two-for-one occupational credit may be used for a maximum of 2,000 hours of the initial total occupational experience in all areas.

5.6 Out-of-State Persons. A person hired to work in Colorado and holding a valid vocational credential from another state, issued by the state in which the person attended college or was employed as a vocational educator, will be issued a one-year Colorado vocational credential without being required to meet the Colorado credential requirements. The credential will be renewed annually upon reapplication, for up to three years total, providing the applicant documents annual progress toward meeting the Colorado requirements within the three-year period.

5.7 Renewal of Credential. The original credential will state the actions required in order for the credential to be renewed. Applications for renewal of currently valid vocational credentials must be made with the ninety (90) days prior to the expiration date of the present credential. Renewal will be granted if the person has performed satisfactorily in the job and has completed six semester credit hours since the last renewal, which may include college or university courses, occupational experience, or professional staff development activities. Renewal credit must have the prior approval of the local vocational director or the superintendent of the district or designee. One hundred and fifty hours of approved occupational experience equals one semester hour credit. A minimum of thirty hours' participation in an approved seminar or workshop equals one semester hour credit.

5.8 Reinstatement of Credential. Reinstatement of a lapsed vocational credential (including credentials for which application for renewal was not filed prior to the expiration date) will be

granted if the requirements stated on the expired credential were completed within the five year period preceding the date of application for reinstatement and the applicant meets the other requirements for renewal. In addition, if the credential expired more than two years prior to the filing of the application for reinstatement, the applicant must document 1,000 hours of related occupational experience within the five year period preceding the date of the application for reinstatement.

5.9 Emergency Authorization. An emergency credential may be granted if essential to the preservation of the vocational program of a district or institution, as certified by the local governing board, if the district or institution has made conscientious efforts to secure the services of a properly credentialed person. An emergency credential is limited to a specific district or institution and to a specific program, and may be issued for one year, from July l to June 30. Emergency credential applications received in the credentialing office before October 31 may be issued retroactive to July 1; applications received after that date, if approved, will be effective from the date of issuance only. It may be renewed for one year upon the request of the local governing board if the emergency continues, no properly credentialed person has been found after efforts to do so, and the holder of the emergency credential has performed satisfactorily.

6.0 ELIGIBLE COSTS

6.1 General.

A. **Certain Costs Only. In order to be eligible for reimbursement under the Act, an expenditure must be incurred by a district in offering an approved vocational program and be one of the types of costs described in Sections 6.2 through 6.6. Costs incurred in the year the program is approved will be allowed retroactive to July 1 of the fiscal year the program is approved.**

B. **Apportionment. If personnel, equipment, books and supplies or any other item is used both in an approved program and in another program, only costs reasonably allocated to the approved program (on the basis of the percent of time spent by the instructor teaching in approved programs) are eligible costs.**

C. **Nonduplication. Otherwise eligible costs which are reimbursed to the district from a source other than the Act must be deducted when reporting eligible costs. Such other sources include, without limitation, funds from the Colorado Department of Education or the federal government, income from programs offering services to the general public for a fee, or reimbursements from leadership club activities.**

D. **Uniform Requests. The district must submit information on eligible costs for all courses approved for reimbursement within an approved program, and for all students attending all such courses.**

6.2 Equipment.

A. **The following are eligible costs, which must be reported in the year purchased:**

1. **The actual cost of purchasing, renting and leasing equipment used in learning activities in approved classes;**

2. **The actual cost of shipping and installation of such equipment;**

3. **The actual cost of normal repair and maintenance of such equipment.**

B. **The cost of furniture is not eligible for reimbursement unless:**

1. **The item is necessary to allow a special needs student to participate in the learning activities in an approved class; or**

2. **The item is specially designed to accommodate another vocational instructional device which cannot otherwise be used.**

C. **Such equipment must be used in an approved program for at least one fiscal year after the end of the year of purchase.**

6.3 Books and Supplies. The actual cost to the district of books and supplies (including equipment costing less than $1,000 per unit and operating and maintenance costs of motor vehicles) used in learning activities in approved programs, or used by program advisory committees and vocational student organizations, are eligible costs and must be reported in the year purchased.

6.4 Contracted Programs.

A. **The actual cost to the district of services purchased from another education agency or institution providing approved programs to students of the reporting district is an eligible cost. The cost of transporting students to the site of a contracted program is not an eligible cost.**

B. **Contracted programs must be approved in the same manner as programs provided by any district.**

C. **A district which provides approved programs to students of another district may not report the FTE those students represent, and must reduce eligible costs by the amount it is paid to provide such programs.**

6.5 Costs of Providing Services of Instructional Personnel.

A. **Instructors. All instructors in approved programs, with the exception of substitute teachers, teacher aides and paraprofessionals, must possess a valid current Colorado Vocational Credential issued by the Board and a current teaching certificate/license issued by the Colorado Department of Education, both appropriately endorsed in the program area being taught. Enrollment and costs associated with an instructor (including costs of equipment and supplies in a one person program) are not eligible for reimbursement for any period of time the instructor's credentials and certification were not current and valid.**

B. **Administrators and Job Development/Placement Specialists. Districts may claim the eligible costs of vocational administrators and job development/placement specialists with the prior written approval of the Board. The District's request for the approval must specify the percentage of time the administrator or specialist spends on vocational duties. Such staff must possess a valid vocational credential appropriate for the performed duties. Costs are not reportable for any period of time that a valid credential is not maintained.**

C. **Eligible Costs. The following costs paid by a district for instructors and approved administrators and job development/placement specialists are eligible costs:**

1. **Salary for time spent teaching or supporting approved programs, including any extra compensation paid to instructors for vocational duties in addition to regular duties.**

2. **Benefit costs paid to a third-party provider or a self-insurance pool.**

3. **Other lump sum payments, such as cash sick leave or cash retirement payouts, to the extent earned in the fiscal year in which they are reported as costs.**

4. **Official travel related to approved programs, as permitted by district policies.**

5. **Professional development costs, including sabbatical leaves.**

D. **Other Employees. The salary and benefit costs of substitute teachers, teacher aides, and paraprofessionals providing approved programs are eligible costs as provided in 6.5 (1)-(5).**

E. **Vocational Student Organization Costs. The following are eligible costs when paid by the school district:**

1. **Mileage and per diem for vocational directors, administrators, teachers and chaperons attending vocational student organization events.**

2. **Transportation, meals and lodging costs of students and staff while attending VSO events held away from the district.**

3. **VSO equipment, clothing, and paraphernalia which becomes the property of the district. Items which become the property of an individual student are not eligible for reimbursement.**

4. **Registration fees for contests, conferences and similar events in connection with official VSO activities.**

6.6 Administrative Costs. Effective July 1, 1999 and continuing thereafter, districts may claim up to 5% of their total eligible costs to defray the administrative expenses of operating the vocational programs in their non-DAVS. Effective July 1, 1999 and continuing thereafter, districts with a DAVS may claim up to 15% of the total eligible costs under these rules in the DAVS to defray the administrative expenses of operating the DAVS.

6.7 Phase Out of Comprehensive Area Vocational Facilities. For fiscal year 1998-99, Bollman Occupational Center, T.H. Pickens Technical Center, Career Education Center, Boulder Valley Technical Education Center, Warren Occupational Technical Center, St. Vrain Career Development Center, Career Enrichment Park and Grand Junction's Career Occupational Center may claim as eligible costs 100% of the following:

A. **Certain personnel costs. Salary and benefits for the following classes of employees: Secretarial/Clerical, Bookkeeping, Janitorial, Vocational Computer Services, Faculty Resource Center, Library/Media Center, Vocational Guidance Counselors and other Administrators.**

B. **Equipment costs. Equipment purchased for the following areas: administrators, faculty resource centers, library/media centers, vocational guidance counselors.**

C. **Books and Supplies. Telephone for administrators, the cost of providing utilities, items purchased for use in faculty resource centers and library/media centers.**

D. **If any of the districts governing the schools listed above have applied to the State Board under Section 4.0 and received a designation as a DAVS, these DAVS may claim 66% for fiscal year 1999-2000; and 33% for fiscal year 2000-2001 of the costs identified in A-C above.**

E. **This Section 6.7 is repealed on July 1, 2001.**

7.0 PAYMENT AND AUDIT

7.1 Amount of Reimbursement. In any fiscal year, a district shall be eligible to receive 80% of the first $1,250, or part thereof, by which the district's eligible costs per FTE attending each approved program exceeds 70% of the district's PPOR for that fiscal year. In addition, if the district's eligible costs per FTE exceed 70% of its PPOR by an additional amount in excess of $1,250, the district shall be eligible for 50% of such additional amount.

7.2 Insufficient Appropriations. If the Colorado General Assembly appropriates less than the total amount required to fully reimburse all districts under the formula set forth in Section 7.1, the amount paid to each district shall be prorated in the same proportion that the appropriation bears to such total amount.

7.3 Applications for Reimbursement. Not later than August 1, unless an extension is granted by Board staff for good cause, districts offering approved programs shall file with the Board estimated eligible costs, estimated FTE and any other information requested by the Board related to calculation of estimated reimbursement for approved programs to be delivered by the district in that fiscal year. Such information shall be provided in the format and shall follow the guidelines for submission identified by the Board.

7.4 Estimates and Revisions to Estimated Costs. At any time prior to March 31, a district may revise its estimate of eligible costs and FTE for that fiscal year, based on unanticipated changes, by submitting such forms as may be required by the Board. Payment adjustments to estimates will be made in the June payments.

7.5 Payments. Payments to districts will be made quarterly based on the estimates submitted by all districts. Such payments will be made on or about September 30, December 31, March 31, and June 30. If any district revises its estimate as permitted under section 7.4, the fourth quarter (June) payments to all participating districts will be adjusted to take into account the revised estimates.

7.6 Actual Cost Reports. Not later than August 1, unless an extension is granted by Board staff for good cause, districts offering approved programs shall file with the Board a final report of actual eligible costs, FTE, and any other information required by the Board to determine actual costs and enrollments for the prior fiscal year, in the format identified by the Board. Such information shall be provided in the format and shall follow the instructions for submission identified by the Board.

7.7 Adjustments for Actual Costs.

A. **Using the actual costs and enrollments submitted by all participating districts pursuant to section 7.6, the Board shall recalculate the formula reimbursement due to each district for the prior fiscal year, and shall notify each district in writing of the result of the calculation, with a brief description of the methodology used to make that determination.**

B. **If a district believes that the data it submitted or that the calculation of its underpayment or overpayment is in error, it must file a written complaint within 10 days of the date of the notice sent by the Board in Section 7.7(A) stating, at a minimum, what the district believes are the correct figures for eligible costs and FTE and the reasons the district believes an error was made. The Board shall review the submittal and accept or reject it within thirty (30) days. No district may correct its data or challenge the calculation of overpayment or underpayment after the time for filing a complaint has expired except as provided in (G) below.**

C. **If no appeals are filed by a district, the Board shall use the calculated reimbursement to determine the amount of any overpayment or underpayment to be deducted from or added to the first quarter September 30 payment (and subsequent payments if necessary). If the district does not participate in CVA the subsequent fiscal year, it shall be invoiced for the amount of the overpayment or paid the amount of the underpayment.**

D. **If a timely appeal is filed by any district, the Board may adjust proportionately the amounts to be paid to all districts and hold back the amount necessary to make proper payments if the appellants are successful.**

E. **Except as provided in Section 7.7 (G), the eligible costs and enrollments reported by a district which does not appeal pursuant to Section 7.7(B) shall be deemed to be complete and final and may not subsequently be changed or challenged by that district.**

F. **In no event shall the total amount paid to all participating districts exceed the funds appropriated for that fiscal year.**

G. **If, after the time for appeal has expired, a district discovers a mistake in the information it submitted pursuant to Section 7.6 which resulted in a under or over payment equal to or greater than 5% of funds due to the district under the Act, the district may petition the Board to audit the district's figures for the fiscal year in question and prepare a detailed statement of whether the district's assertion that an error has been made is correct or incorrect. If such an error was found, the audit shall also indicate the amount of the over or under payment. If the audit shows such an over or under payment, the amount paid to all districts for the subsequent fiscal year shall be adjusted to accommodate the error. If the audit does not show such a discrepancy, the district may request a Board review, which shall make a final determination whether the district has been under or over paid for the fiscal year in question. In no event shall any district be permitted to file a petition under this section more than two years after June 30th of the fiscal year in question. If the error is a result of district miscalculation, the district shall reimburse the Board for the cost of the audit.**

7.8 Audit. The Board may audit any district at any time up to two years after the date of submission by that district of the actual costs and enrollments for a given fiscal year, to determine if eligible costs and enrollments have been properly reported. If the audit reveals that reimbursement to the district under the Act was greater than the district was entitled to, the amount of overpayment, if material, shall be paid by the district to the Board by check or warrant, unless other arrangements for repayment are agreed to by the Board and the district. Amounts so repaid shall be added to the appropriations for funding the Act in the fiscal year repaid by the district. If the audit reveals that reimbursement to the district under the Act was less than the district was entitled to, the amount of the underpayment, if material, shall be paid by adjusting the proration for the fiscal year following the audit. If the district disagrees with the result of the audit, it may appeal to the Board pursuant to Section 8.

7.9 Records. All participating districts shall keep complete and auditable records of all transactions related to the calculation of eligible costs and enrollments for a period of five years from the date of submission of actual costs and enrollments.

8.0 APPEALS

8.1 Initial Review. A party adversely affected by an action of the Board under these rules may appeal that action by filing a written complaint sent by certified mail to the System President within thirty (30) days of the date of written notice of the action which is the subject of the complaint, or within such shorter period of time specified in these rules. The complaint shall be on a form provided by the Board and may be accompanied by additional written information supporting the position of the complainant.

8.2 Review Committee. In all cases except those described in Section 8.3, a review committee composed of three people appointed by the System President shall review the complaint and any accompanying materials and shall respond promptly to the complaining party by certified mail sent to the address set forth in the complaint.

8.3 Vocational Credentials.

A. **Review Committee. If the complaining party is a person whose vocational credential has been denied, revoked, nonrenewed or suspended, a three person committee appointed by the System President including one practitioner from the respective occupational area, one credentialed instructor from the occupational area and the Board program manager for that occupational area shall act as the review committee.**

B. **Review Process. The complaining party will be notified of the time, date and location of the review by certified mail sent to the address in the complaint not less than 20 days in advance. The complaining party will be notified of the decision of the review committee by certified mail.**

8.4 Appeal. A complaining party who believes that the decision of the review committee formed under Section 8.2 or 8.3 above is in error may appeal to the Board by filing a written notice of appeal, stating why and in what way the committee decision was incorrect. The notice must be mailed or delivered not more than 30 days after receipt of the notice of the review committee's decision. The Board shall conduct a hearing and make a decision in accordance with CRS 24-4-105 and the Board's decision shall constitute final agency action.

BEST COPY AVAILABLE